

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MICHAEL T. MCLAUGHLIN,

Plaintiff,

v.

JAMES G. COX, *et al.*,

Defendants.

Case No. 2:14-cv-00178-APG-PAL

**ORDER DENYING MOTION FOR
DEFAULT JUDGMENT**

(ECF No. 55)

Plaintiff Michael T. McLaughlin moves for a default judgment. Alternatively, he requests a ruling that the defendants forfeited their right to move for summary judgment by not filing a motion before the dispositive motion deadline expired.

A default judgment can be entered only against a defendant who “failed to plead or otherwise defend.” *See* Fed. R. Civ. P. 55(a). The defendants have appeared in this action. ECF Nos. 23, 36. Default judgment therefore is not appropriate.

Additionally, the defendants have not forfeited their right to move for summary judgment. The original dispositive motion deadline was September 21, 2015. ECF No. 24. I extended that deadline to 30 days from either the close of discovery or from my order on McLaughlin’s motion for leave to amend. ECF No. 44. I denied the motion to amend on December 14, 2015. ECF No. 51. The dispositive motion deadline thus was January 13, 2016. I then granted another 30-day extension. ECF Nos. 53, 54. The defendants timely filed their motion for summary judgment on February 12, 2016. ECF No. 59.

IT IS THEREFORE ORDERED that plaintiff Michael T. McLaughlin’s motion for default judgment **(ECF No. 55) is DENIED.**

DATED this 28th day of June, 2016.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE